



office petition DAC/HFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|             |                                     |   |           |              |
|-------------|-------------------------------------|---|-----------|--------------|
| Inventor:   | Epstein                             | : | Attorney  | OSU1159-150B |
| Serial No.: | 10/665,253                          | : | Docket:   |              |
| Filed:      | September 19, 2003                  | : | Examiner: | Nguyen       |
| Title:      | SPIN DRIVEN RESISTORS AND NANOGATES | : | Art Unit: | 2824         |

Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 (A)

Date of Deposit: February 23, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Trisha M. Beachy-Bryant  
TRISHA M. BEACHY-BRYANT

**PETITION UNDER 37 CFR §1.313(c)**

Applicant respectfully requests that the above-identified application be withdrawn from issuance under 37 CFR §1.313(c) so as to permit consideration of a request for continued examination. Prosecution of Applicant's European application has recently uncovered prior art references which Applicant would like considered in determining the patentability of the present application. Applicant submits herewith an Information Disclosure Statement disclosing the references to be considered and a Request for Continued Examination under 37 CFR §1.114 including the requisite fees.

Respectfully submitted,

ARTHUR J. EPSTEIN

By:

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Date: 2-23-06

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|---|-------------------------------|--------------------|
| <b>PETITION FEE</b><br>Under 37 CFR 1.17(f), (g) & (h)<br><b>TRANSMITTAL</b><br>(Fees are subject to annual revision)<br><br>Send completed form to: Commissioner for Patents<br>P.O. Box 1460, Alexandria, VA 22313-1450 | <b>Application Number</b>     | 10/665,253         |
|   | <b>Filing Date</b>            | September 19, 2003 |
|   | <b>First Named Inventor</b>   | Epstein            |
|   | <b>Art Unit</b>               | 2824               |
|   | <b>Examiner Name</b>          | Nguyen             |
|   | <b>Attorney Docket Number</b> | OSU1159-150B       |

Enclosed is a petition filed under 37 CFR 1.313(c) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.  
This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 19-4076  
☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
Enclose a duplicative copy of this form for fee processing.

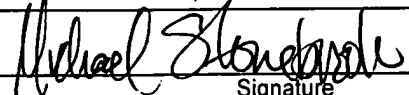
☒ Check in the amount of \$ 525.00 (petition fee + RCE fee) is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**  
For petitions filed under:  
§ 1.53(e) - to accord a filing date.  
§ 1.57(a) - to accord a filing date.  
§ 1.182 - for decision on a question not specifically provided for.  
§ 1.183 - to suspend the rules.  
§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.  
§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**  
For petitions filed under:  
§ 1.12 - for access to an assignment record.  
§ 1.14 - for access to an application.  
§ 1.47 - for filing by other than all the inventors or a person not the inventor.  
§ 1.59 - for expungement of information.  
§ 1.103(a) - to suspend action in an application.  
§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.  
§ 1.295 - for review of refusal to publish a statutory invention registration.  
§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.  
§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.  
§ 1.560(c) - for patent owner requests for extension of time in ex Parte reexamination proceedings.  
§ 1.956 - for patent owner requests for extension of time in inter Partes reexamination proceedings.  
§ 5.12 - for expedited handling of a foreign filing license.  
§ 5.15 - for changing the scope of a license.  
§ 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**  
For petitions filed under:  
§ 1.19(g) - to request documents in a form other than that provided in this part.  
§ 1.84 - for accepting color drawings or photographs.  
§ 1.91 - for entry of a model or exhibit.  
§ 1.102(d) - to make an application special.  
§ 1.138(c) - to expressly abandon an application to avoid publication.  
§ 1.313 - to withdraw an application from issue.  
§ 1.314 - to defer issuance of a patent.

|   |  |
|---|--|
| <br>_____<br>Signature | <u>2-23-06</u><br>_____<br>Date                    |
| Michael Stonebrook<br>_____<br>Typed or printed name  | 53,851<br>_____<br>Registration No., if applicable |

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.